

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CHRISTOPHER NIX,

Petitioner,

v.

JIM ROBINSON,

Respondent.

No. 2:21-CV-0659-WBS-DMC-P

ORDER

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On August 18, 2023, the Magistrate Judge filed amended findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within the time specified therein. No objections to the amended findings and recommendations have been filed.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and the Magistrate Judge's analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The amended findings and recommendations filed August 18, 2023, are adopted in full.
2. Respondent's motion to dismiss, ECF No. 13, is GRANTED.
3. Petitioner's third and fourth claims are DISMISSED as untimely.
4. Petitioner's fourth claim is also DISMISSED as unexhausted.
5. Respondent is directed to file an answer to the first amended petition as to the first and second claims within 30 days of the date of this order.

Dated: September 25, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE